APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,085	12/28/2001	Yonas D. Seme	418268888US	3973

45979   7590   10/23/2006

PERKINS COIE LLP/MSFT
P. O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER
JACKSON, JAKIEDA R

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 August 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25 and 37-47</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25 and 37-47</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   In response to the Office Action mailed February 8, 2006, applicant submitted an

amendment filed on August 8, 2006, in which the applicant amended and requested

reconsideration with respect to **claims 1 and 13** and newly added claims 37-47.

Response to Arguments

2.   Applicant argues that Chin fails to teach or suggest "establishing a user profile

indicating at least one user language and one or more translation preferences of the

one or more user. Applicant argues that such a profile relates to personal information

and does not indicate at least one user language and one or more translation

preferences. However, Chin teaches establishing a user profile indicating at least one

user language (columns 1-2, paragraph 0012 with column 15, paragraph 0248 and

columns 16-17, paragraph 0272) and one or more translation preferences of the one or

more users (desired translation; column 10, paragraph 0178).

Regarding claim 13, Applicant argues that Chin fails to teach or suggest

"translating the message from the user language to at least one different language

corresponding to the one ore more translation preferences at the two or more devices of

claims 1-12 and "a content translation module located in the at least one source device

having instructions for translating the message into a destination language" of claims

13-25. Instead Chin's translation server acts as an intermediary between the source

device the source devices. Thus Chin's source device sends the source messages in

each user's own language to the translation server for conversion into another language

for the destination device. Accordingly, Chin does not teach or suggest translating the source message before forwarding the message to the network.

However, Chin teaches that the present invention acts as an intermediary in this data exchange, translating the data from one language to another as it passes from client device to data provider, from data provider to client device, or from client device to client device (column 6, paragraph 0117). Further, Chin that both the format create process and the translation execution process operate in the translation environment, which is transparent to the host system (column 1, paragraph 0010). Therefore, Applicant arguments are not persuasive, however remains moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1-25** are rejected under 35 U.S.C. 102(e) as being anticipated by Chin et al. (PGPUB 2001/0029455), hereinafter referenced as Chin.

.

Regarding **claims 1 and 12**, Chin discloses a method and a computer-readable medium, hereinafter referenced as a method for translating instant messages exchanged between two or more devices over a network by one or more users that communicate in different languages, the method comprising:

establishing a user profile indicating at least one user language (columns 1-2, paragraph 0012 with column 15, paragraph 0248 and columns 16-17, paragraph 0272) and one or more translation preferences of the one or more users (desired translation; column 10, paragraph 0178 with column 16, paragraph 0261);

receiving a message as input comprised by at least one of the users according to the user language (column 7, paragraph 0127);

translating the message from the user language to at least one different language corresponding to the one or more translation preferences at the two or more devices (column 7, paragraph 0127); and

transmitting the message in translated form to at least one of the two or more devices (column 5, paragraph 0105 with column 6, paragraph 0113).

Regarding **claim 2**, Chin discloses the method wherein the step of establishing includes exchanging a user profile created by the one or more users between the two or more devices (column 6, paragraph 0117 and column 16, paragraph 0261).

Regarding **claim 3**, Chin discloses the method wherein the step of exchanging includes storing information associated with the user profile by each of the two or more devices (column 5-6, paragraph 0112 and column 11, paragraph 0195).

Regarding **claim 4**, Chin discloses the method wherein the information includes

the one or more translation preferences (column 5, paragraph 0105 and column 7,

paragraph 0127).

Regarding **claim 5**, Chin discloses the method wherein the step of receiving

includes inputting the message into a real-time communication service residing on the

two or more devices (column 5, paragraph 0109 and column 9, paragraph 0167).

Regarding **claim 6**, Chin discloses the method wherein the step pf receiving

includes sending a request to content translate the message from the user language to

at least one different language (column 11, paragraph 0193).

Regarding **claim 7**, Chin discloses the method wherein the content translation

module is located at a network address corresponding to the one or more translation

preferences (column 1, paragraph 0012 with column 6, paragraph 0017).

Regarding **claim 8**, Chin discloses the method wherein the network address is

shared amongst a plurality of devices operating in a distributed networking environment

(column 1, paragraph 0005).

Regarding **claim 9**, Chin discloses the method wherein the network address

corresponds to a single device (column 6, paragraph 0117).

Regarding **claim 10**, Chin discloses the method wherein the step of transmitting

includes sending the message composed in at least one different language to one or

more destination addresses (column 5-6, paragraph 0112).

Regarding **claim 11**, Chin discloses the method wherein the destination addresses correspond to the one or more translation preferences (column 5, paragraph 0106).

Regarding **claim 13**, Chin discloses a system for providing real-time communication over a network between two or more devices to support multiple languages, the system comprising:

at least one source device coupled to the network for transmitting a message composed according to a source language (column 5, paragraph 0105-0107);

a content translation module located in the at least one source device having instruction for translating the message into a destination language (column 5, paragraph 0105-0107 with column 6, paragraph 0117); and

at least one destination device coupled to the network for receiving the translated messaged from the content translation module (column 5, lines 0105 with column 1, paragraph 0010).

Regarding **claim 14**, Chin discloses the system wherein the at least one source device further comprises:

a real time communication service for receiving service for receiving a message as input composed according to the source language, the message being composed by a user of the source device (column 5, paragraph 0109).

Regarding **claim 15**, Chin discloses the system wherein the at least one source device transmits a user profile to the at least one destination device (column 11, paragraph 0195).

Regarding **claim 16**, Chin discloses the system wherein the user profile indications the source language and one or more translation preferences (column 7, paragraph 0127 and column 11, paragraph 0193).

Regarding **claim 17**, Chin discloses the system wherein the content module is located at a network address corresponding to the one or more translation preferences (column 5, paragraph 0105 and column 7, paragraph 0127).

Regarding **claim 18**, Chin discloses the system wherein the network address is shared amongst a plurality of devices operating in a distributed networking environment (column 1, paragraph 0005).

Regarding **claim 19**, Chin discloses the system wherein the network address corresponds to a single device (column 6, paragraph 0117).

Regarding **claim 20**, Chin discloses the system wherein the content translation module resides on the at least one source device (column 5, paragraph 0105-0107).

Regarding **claim 21**, Chin discloses the system wherein the content translation module resides on the at least on destination device (column 5, paragraph 0105-0107).

Regarding **claim 22**, Chin discloses the system wherein the at least one destination device further comprises:

a real-time communication service for receiving a message as input composed according to the destination language, the message being composed by a user of the destination device (column 5, paragraph 0109).

Regarding **claim 23**, Chin discloses the system wherein the at least one

destination device is located at a network address corresponding to the one ore more

translation preferences (column 5, paragraph 0105).

Regarding **claim 24**, Chin discloses the system wherein the at least one

destination device transmits a user profile language and one or more translation

preferences (column 5, paragraph 0105 and column 7, paragraph 0127).

Regarding **claim 25**, Chin discloses the system wherein the user profile

indications the destination language and one ore more translation preferences (column

5, paragraph 0105).

5.   **Claims 1, 13, 37-39 and 41-47** rejected under 35 U.S.C. 102(e) as being

anticipated by Stringham (PGPUB 2002/0188670).

Regarding **claim 1**, Stringham discloses a method and a computer-readable

medium, hereinafter referenced as a method for translating instant messages

exchanged between two or more devices over a network by one or more users that

communicate in different languages, the method comprising:

establishing a user profile indicating at least one user language and one or more

translation preferences of the one or more users (different languages; columns 4-5,

paragraph 0029);

receiving a message as input comprised by at least one of the users according to

the user language (message sent to the designated correspondent; columns

2-3, paragraph 0020);

translating the message (translating an email) from the user language (between

a first language) to at least one different language (a second language) corresponding

to the one or more translation preferences at the two or more devices (computer users;

columns 4-5, paragraph 0029); and

transmitting the message in translated form to at least one of the two or more

devices (translated to the designated correspondent; columns 3-4, paragraph 0023).

Regarding **claim 13**, Stringham discloses a system for providing real-time

communication over a network between two or more devices to support multiple

languages, the system comprising:

at least one source device coupled to the network for transmitting a message

composed (draft) according to a source language (column 2, paragraphs 0018-0019);

a content translation module located in the at least one source device having

instruction (instruction) for translating the message into a destination (column 4,

paragraph 0027 with column 2, paragraphs 0018-0019); and

at least one destination device coupled to the network for receiving the translated

messaged from the content translation module (message received at the computer;

columns 2-3, paragraphs 0020-0021).

Regarding **claim 37**, Stringham discloses a method for translating instant

messages exchanged between a first user using a first device and a second user using

a second device over a communication network, the method comprising:

receiving designation information from the first user for a first preferred language (first database; column 2, paragraph 0019);

exchanging the designation information with the second device by sending the first preferred language to and receiving a second preferred language from the second device, wherein the second preferred language is designated by the second user and is different from the first preferred language (retrieving the name of the language user by the designated correspondent; columns 2-3, paragraph 0020);

receiving a first message as input composed by (draft) the first user in the first preferred language (column 2, paragraph 0018);

translating the received first message in the first preferred language into a second message in the second preferred language in the first device (translate email message; column 2, paragraphs 0018 with columns 2-3, paragraph 0020); and

transmitting the second message in the second preferred language to the second device via the communication network (sent to designated correspondent; columns 2-3, paragraph 0020 with columns 3-4, paragraph 0023).

Regarding **claim 38**, Stringham discloses the method wherein the step of exchanging the designation information includes storing the exchanged designation information in the first and second devices (second database; columns 2-3, paragraph 0020 with columns 4-5, paragraph 0029).

Regarding **claim 39**, Stringham discloses the method wherein the designation information includes one or more translation preferences (language used by designated correspondent; column 2, paragraph 0019).

Regarding **claim 41**, Stringham discloses the method wherein the step of

receiving a first message further includes sending a request (response to a command)

to a content translation module to translate the first message from the first preferred

language to the second preferred language (column 2, paragraph 0018 with column 3,

paragraph 0022).

Regarding **claim 42**, Stringham computer-readable medium instructions for

performing the steps recited in claim 37 (CPU adapted to execute; column 2, paragraph

0016).

Regarding **claim 43**, Stringham discloses a system for providing real-time

communication over a network between first and second users, the system comprising:

a first device having a first user interface for receiving designation information

from the first user for a first preferred user language and for receiving a first message as

input composed (draft) by the first user in the first preferred language (column 2,

paragraph 0018);

a second device having a second user interface for receiving designation

information from the second user for a second preferred language (columns 4-5,

paragraph 0029);

a server for exchanging the designation information of the first and second

preferred user languages between the first and second devices (designated language to

be sent; columns 2-3, paragraph 0020);

wherein the first device further includes a content translation module for translating

the received first message in the first preferred language into a second message in the

second preferred language in the first device (columns 2-3, paragraph 0020 with

columns 4-5, paragraph 0029).

Regarding **claim 44**, Stringham disclose a system wherein the content

translation module is a first content translation module, and wherein the second device

further comprising a second content translation module for translating a received

message in the second preferred language into a message in the first preferred

language (columns 2-3, paragraphs 0019-0020).

Regarding **claim 45**, Stringham discloses a system wherein the server also

transmits the translated second message in the second language to the second device

(translated from language of user to language of correspondent; columns 2-3,

paragraph 0020).

Regarding **claim 46**, Stringham discloses a system wherein the second user

interface displays the received second message in the second language to the second

user (sent to designated correspondent; columns 2-3, paragraph 0020).

Regarding **claim 47**, Stringham discloses a device having capability to send and

receive instant messages, the device comprising:

a user interface for accepting a user language preference and instant message

input data in a first human-readable language (keyboard, mouse, etc.; column 2,

paragraph 0016);

an instant messaging application operatively coupled to the user interface for

exchanging instant messages with a second device (number of computer users;

columns 4-5, paragraph 0029);

a translation module operatively coupled to the instant messaging application that

translates the instant message input data into a second human-readable language, the

second human-readable language being different from the first human-readable

language (translating message between a first language and a second language;

columns 4-5, paragraph 0029); and

a storage (stored in a memory) operatively coupled to the user interface for

storing the user language preference from the user interface (keyboard, mouse, etc.)

and a translation preference received (user-selected language translation) from the

second device (column 2, paragraph 0016);

wherein the instant messaging application accepts the instant message input data

and the translation module translates the instant message input data from the first

human readable language into the second human readable language according to the

translation preference received from the second device (identifies the language of each

user; columns 4-5, paragraph 0029).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   **Claim 40** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Stringham in view of Mache et al. (PGPUB 2001/003202), hereinafter referenced as

Mache.

Regarding **claim 40**, Stringham discloses an instant messaging method, but

does not specifically discloses a method wherein the step of receiving a first message

further includes inputting the first message into a real-time communication service

residing on the first device.

Mache discloses an instant messaging method wherein the step of receiving a

first message further includes inputting the first message into a real-time communication

service residing on the first device (real-time transmission of message; column 2,

paragraphs 0034 and 0024), to have unified instant messages.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Stringham method wherein the step of receiving

a first message further includes inputting the first message into a real-time

communication service residing on the first device, as taught by Mache, to transmit high

priority messages in nearly real-time between clients (column 2, paragraph 0034).

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jakieda R. Jackson whose telephone number is

571.272.7619. The examiner can normally be reached on Monday through Friday from

7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Hudspeth can be reached on 571.272.7843. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ
October 15, 2006

. DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600